

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45544 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- BARURAJ District- Muzaffarpur

1. Maina Devi wife of - Shreshta Singh @ Ram Shreshtha Singh Resident of Village - Bangra Firoz, P.O.- Bangra Firoz, P.S.- Baruraj, District - Muzaffarpur, State- Bihar, PIN- 843111.
2. Babita Devi wife of - Late Anil Singh, Daughter of - Shreshta Singh @ Ram Shreshtha Singh Resident of Village - Sahjora Pakri, P.S.- Panapur, District - Saran (Chapra), State- Bihar, PIN-841410.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45643 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- BARURAJ District- Muzaffarpur

1. Shreshta Singh @ Ram Shreshtha Singh Son Of Late Parikshan Singh R/O Village- Bangra Firoz, P.O.- Bangra Firoz, P.S.- Baruraj, District- Muzaffarpur, State- Bihar, Pin- 843111
2. Ritesh Kumar @ Chotu @ Nitesh Kumar Son Of Shreshta Singh @ Ram Shreshtha Singh R/O Village- Bangra Firoz, P.O.- Bangra Firoz, P.S.- Baruraj, District- Muzaffarpur, State- Bihar, Pin- 843111

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45544 of 2022)

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 45643 of 2022)

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 Both the criminal miscellaneous petitions have arisen
out of same police station case number, hence they are being



heard together and disposed of by a common order.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Baruraj P.S. Case No. 58 of 2022 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution, the informant was threatened by one Mohan Mahto to compromise a case or he will kill the Mother and Daughter of the informant and destroy the evidence. Further it was alleged that these petitioners along with other co-accused persons have kidnapped the informant's daughter and grandson and killed them.

The main submissions advanced by learned counsel Mr.Nalin Kumar, appearing for the petitioners are that all the petitioners of both the petitions are relatives and in the FIR they are not named and there was some dispute between the named accused persons and the informant's family but in between the petitioners and the prosecution party there was not any dispute when the alleged incident took place and during the course of



investigation one co-accused Asharfi Sah confessed as being involved in the alleged murder and revealed the names of these petitioners being conspirators in the alleged crime and except this there is no any other material to connect the petitioners to the alleged crime and there is no direct and indirect evidence against the petitioners. Further submission is that the petitioners and the FIR named co-accused persons are co-villagers and there is some dispute between the petitioners and the named co-accused persons due to which the petitioners and their family members have been made accused in this case. Further submission is that all the petitioners have been languishing in jail since 01.04.2022 and the investigation has been completed against the petitioners.

Learned APP Mr. Md. Aslam Ansari, appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the facts that all the petitioners are not named in the FIR and their names surfaced in the statement of co-accused Asharfi Sah as evident from the order of the learned Court below and as per above submissions the petitioners had enmity with the co-accused persons who are named in the FIR and also taking into account the facts that the instant case is



based on suspicion and there is no direct evidence against the petitioners, accordingly, in the opinion of this Court all these petitioners deserve to a lenient approach of this Court, let the petitioners be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Baruraj P.S. Case No. 58 of 2022.

(Shailendra Singh, J.)

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